UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

UNITED STATES OF AMERICA	:	**DOCKET NO. 2:05 CR 20186-004**
VS.	:	**JUDGE MINALDI**
STEVEN CURTIS COLUMBO	:	**MAGISTRATE JUDGE WILSON**

MEMORANDUM RULING

The defendant has filed objections to the Presentence Report ("PSR") prepared by the Probation Department. The Government has indicated that it will not present evidence to establish relevant conduct at the sentencing hearing. Therefore, the court will rely upon the amount stipulated in the Factual Basis for the defendant's guilty plea to determine the correct base offense level.

The Factual Basis contained the following paragraph, which was initialed by counsel for the Government, defense and by the defendant:

> The defendant does not agree to every fact set out above, but does admit to receiving from one or more of the above named individuals a total of 10 ounces of cocaine, 1000 MDMA tablets, and anabolic steroids.

To establish a base offense level, these quantities of cocaine and MDMA must be converted to equivalent weights of marijuana. 10 ounces of cocaine converts to 283.5 grams. One gram of cocaine is equivalent to 200 grams of marijuana. 283.5 multiplied by 200 equates to 56,700 grams of marijuana. 1000 ecstacy tablets weigh 100 grams. To convert this to marijuana, we multiple by 500 for a total weight of 50,000 grams of marijuana. 56,700 plus 50,000 equals 106,700 grams or 106.7 kilograms of marijuana. U.S.S.G. § 2D1.1(c)(7) provides that if the amount is between 100

kilograms and 400 kilograms, the base offense level is 26.

Columbo is entitled to a 2 point reduction for the safety valve and a 3 point reduction for acceptance of responsibility, leaving a total offense level of 21. With a Criminal History Category of I, the applicable guideline range is 37 to 46 months.

Lake Charles, Louisiana, this ___30___ day of March, 2007.

PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE